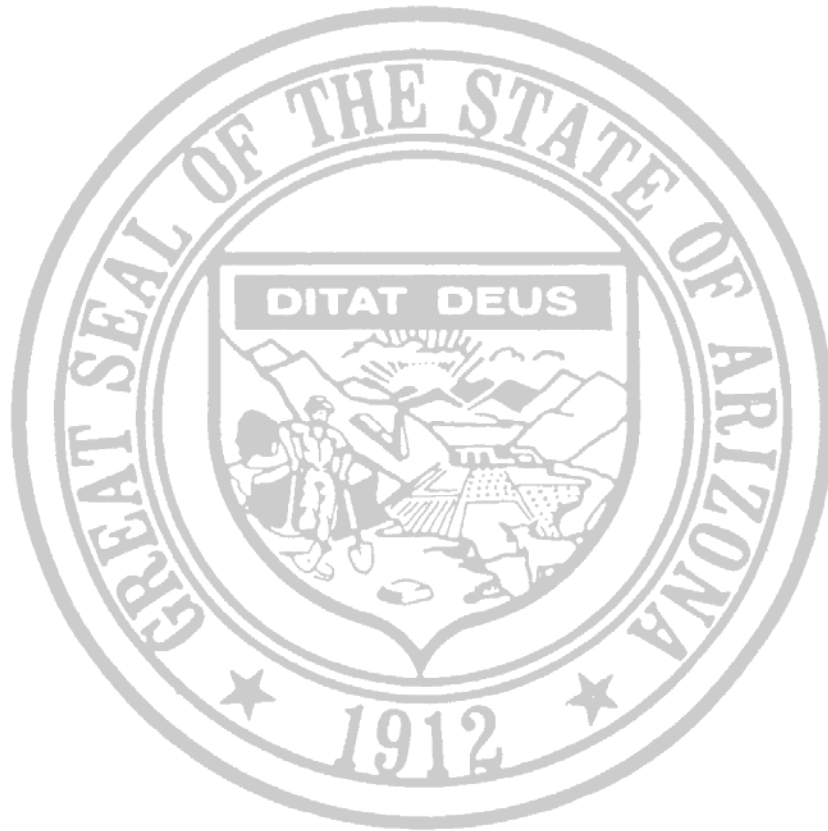


Arizona

Methods of Administration

Workforce Investment Act



Element Three:

Assurances

ELEMENT THREE

REVIEW ALL AGREEMENTS FOR EQUAL OPPORTUNITY PROVISIONS TO INCLUDE NONDISCRIMINATION ASSURANCES (34.20 and 34.33 (C) (2) (ii))
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Purpose:

The State ensures that nondiscrimination and Equal Opportunity provisions of WIA are incorporated in all grants, agreements or other similar applications for Federal financial assistance under WIA. Each application for WIA funds will include the specified assurance committing the potential sub-recipient to comply fully with the nondiscrimination and Equal Opportunity provisions of the Act. The assurance is deemed incorporated, whether or not it is physically incorporated in the resulting contract or other arrangement.

Narrative:

- **Each grant applicant, and each training provider seeking eligibility, includes in its application for financial assistance under Title I of WIA the required EO assurance (See CFR Part 37.20(a)(1)).**

In 2005, the State of Arizona required each of the 15 Local Workforce Investment Areas (LWIAs) in Arizona to include the required EO assurance in the submissions of their WIA Strategic Plans with the following language:

“14. That it will comply fully with the nondiscrimination and Equal Opportunity provisions of the following laws:

- Section 188 of the Workforce Investment Act of 1998 (WIA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA Title I financially assisted program or activity;
- Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color, and national origin;
- Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
- The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and
- Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs. The grant recipient also assures that it will comply with 29 CFR Part 37 and all other regulations implementing the laws listed above. This assurance applies to the grant recipient's

operation of the WIA Title I-financially assisted program or activity, and to all agreements the grant recipient makes to carry out the WIA Title I – financially assisted program or activity.

The grant recipient understands that the United States has the right to seek judicial enforcement of this assurance.”

Each LWIA plan was reviewed to ensure that all required assurances were included. All 15 LWIA plans contain these assurances.

- **The required assurance is incorporated into each grant, cooperative agreement, contract, or other arrangement whereby Federal financial assistance under Title I of WIA is made available (See 29 CFR Part 37.20(a)(2). NOTE: 29 CFR Part 37.20(a)(2) provides that the assurance may be incorporated by reference into these documents.)**

The State of Arizona is providing pass-through dollars to all designated LWIAs. Contracts provided for each LWIA through the State Contracts Office must include non-discrimination assurances required by the State of Arizona and the Department of Economic Security in each contract agreement assuring each entity complies with this requirement.

- **Each grant applicant, and each training provider seeking eligibility, is able to provide programmatic and architectural accessibility for individuals with disabilities (See subpart C of 29 CFR Part 32).**

Training providers in Arizona are monitored by the Arizona Department of Education (ADE), who maintains the Eligible Training Provider List for training providers under the Workforce Investment Act, as well as various educational initiatives (e.g., Carl Perkins Vocational Education Act, Career & Technical Education, etc.). The monitoring tool used by ADE reviews accessibility as part of its compliance assessment. There have been two findings (in over 350 program reviews) in the last three years for architectural accessibility issues, both of which were resolved within 30 days of the reviews.

The current Monitoring Guide for the EA/WIA Section programmatic monitors reviews the following:

“Are offices and programs accessible to disabled individuals? If not, what efforts have been made to make WIA programs accessible to disabled individuals programmatically and physically?”

There has been one instance (out of 25 reviews) within the last year where architectural accessibility has been found to be at issue. In that instance, an observation was made and the One-Stop corrected the deficiency within 14 days.

Each LWIA was sent the Arizona EO Monitoring Tool (2006) after the most recent MOA Training Conference, January 18 & 19, 2006. In this tool, the Assurances section asked for the following information:

“Does each recipient of Federal WIA Title I funds, including One Stop Operators, service providers and training providers, assure programmatic accessibility and architectural accessibility? If so, how?”

A review of the returned EO Monitoring Tools indicates that all LWIAs meet programmatic and architectural accessibility guidelines and require assurances from their subrecipients of accessibility for individuals with disabilities.

- **Job training plans, contracts, assurances, and other similar agreements entered into by recipients are both nondiscriminatory and contain the required language regarding nondiscrimination and Equal Opportunity (See 29 CFR Part 37.54(b)(2)(iv)).**

The WIA Section program monitors have items in their current monitoring guide which require them to check that job training plans, contracts, assurances, and other similar agreements entered into by recipients are both nondiscriminatory and contain the required language regarding nondiscrimination and Equal Opportunity. All LWIA reviews in the past year have met this standard. In addition, the Arizona EO Monitoring Tool contains this item in the Assurances section:

“Is the recipient aware of its obligation to incorporate the EO assurance into each grant, cooperative agreement, contract, or other WIA Title I financial assistance application? (May be incorporated physically or by reference)”

The Monitoring Tools that were returned indicate all LWIAs are aware of this obligation.

- **State and local-level policy issuances, or issuances from other recipients, are not discriminatory either in intent or effect (See 29 CFR Part 37.54(d)(2)(iii)).**

The WIA Section has issued guidance letters and EO policy for all LWIAs receiving financial assistance through Title I-B. Policy issuances are checked carefully by the WIA Section Policy Unit and the State WIA EO Officer to ensure they are not discriminatory either in intent or effect.

- **Policies on WIA Title I nondiscrimination and/or Equal Opportunity issues are developed and implemented in a timely manner.**

The WIA Section has begun a concerted effort to ensure all needed nondiscrimination and/or Equal Opportunity policies are published as quickly as possible. Arizona is in the process of reviewing and rewriting all policies to ensure that our directives are in compliance with the Federal mandates. Both the State and LWIA EOs have made a commitment to bring Arizona into full compliance with all parts of WIA Section 188 and the requirements of 29 CFR Part 37.

Equal Opportunity training, which was mandatory for all LWIAs, was held in January 2006. Presenters from the US Office of Compliance Assistance and Planning led the workshops. There was a live video welcome by Annabelle T. Lockhart, Director, USDOL Civil Rights Center. This training was instrumental in providing the foundation for LWIAs to implement procedures and comply in a timely manner with the necessary policies to ensure that each of their sub-recipients is also fully compliant. The training materials serve as an Equal Opportunity/Nondiscrimination Manual for dealing with nondiscrimination and/or Equal Opportunity issues that arise. This tool can be used by LWIAs as a "desk reference" and is being continuously updated and revised. Equal Opportunity training will be offered by the Employment Administration annually, once all the Local Areas are in full compliance with all parts of WIA Section 188 and the requirements of 29 CFR Part 37.

A State policy on Discrimination Complaint Process and Procedures was issued in March 2006 which included guidance for sub-recipients on this issue. A copy of this policy is attached to this Element. Other State policies will be issued as Guidance Letters as the need becomes apparent. The updated Program Monitoring Guide will reflect greater depth in the area of Equal Opportunity/nondiscrimination.

The State of Arizona demonstrates its commitment to Equal Opportunity and Nondiscrimination by approval of a full-time position to act as the EO Officer for the Employment Administration which has oversight of the Workforce Investment Act, Wagner-Peyser, Migrant Seasonal Farm Workers, Unemployment Insurance, Trade Adjustment Act and Veterans programs. This position was posted on the Arizona State Jobs website in April, 2006. It is expected that the position will filled by May 2006.

The Arizona Department of Economic Security has issued several policy statements on Equal Opportunity and Nondiscrimination matters. DES has a Sexual Harassment Policy and a general policy to identify the responsibilities and authority of the Office of Equal Opportunity within DES. While DES does not have a Religious Accommodations policy, the Director's Office of Equal Opportunity (DES 1-01-07) policy states that "no employee or job applicant shall be discriminated against on the basis of race, color, religion, national origin, sex, age, handicap, or political affiliation ..." The *Discrimination Complaint Process* (J-098) form defines religion for the purposes of filing a discrimination complaint as "all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business."